

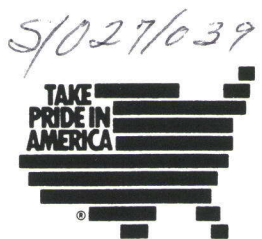


# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

### WARM SPRINGS RESOURCE AREA

35 East 500 North  
P.O. Box 778  
Fillmore, Utah 84631



IN REPLY REFER TO:

3800/ (UT055)  
UT-055-91-02P

December 15, 1992

CERTIFIED MAIL #P 399 399 781  
Return Receipt Requested

Paul Buhanan  
P. O. Box 157  
Cedar City, UT 84720

RE: Plan of Operations in Notch Peak Wilderness Study Area

Dear Mr. Buhanan:

On February 6, 1991 you submitted a plan of operations for mining related activities on the pre-FLPMA White Lady claim group within the Notch Peak Wilderness Study Area. Under 43 CFR 3802 and Interim Management Policy and Guidelines for Lands under Wilderness Review, an operation inside a Wilderness Study Area could be allowed only if it meets at least one of three criteria: 1) the nonimpairment standard, 2) grandfathered uses, or 3) valid existing rights. We have been unable to confirm that your proposal satisfies any of these criteria.

On January 23, 1992, we were informed by the Utah State Office, Bureau of Land Management that your 1991 Proofs of Labor for Annual Assessment Work on mining claims White Lady 1-10, Starfire 1 and Starfire 3, UMC 139066-139077, were not filed timely. In accordance with regulations contained in 43 CFR 3833.4, the above mentioned mining claims were declared abandoned and void. Subsequently, under 43 CFR 4.400 you appealed this decision to the Interior Board of Land Appeals (IBLA). On November 23, 1992 we received a copy of IBLA Docket No. 92-244. In Docket No. 92-244 the IBLA affirmed the decision of the Utah State Office, Bureau of Land Management, declaring the White Lady 1-10, Starfire 1, and Starfire 3 unpatented mining claims, UMC 139066-139077 abandoned and void for failure to file evidence of assessment work performed or notice of intention to hold the claims during the filing period ending December 30, 1991.

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Because the claims cited above are the same claims you proposed to develop under your mining plan of operations, we have formally closed your case file, UT-055-91-02P. You may file another plan of operations for mining related activities on your post-FLPMA mining claims inside of Notch Peak Wilderness Study Area. However, any activity that might impair the suitability of these lands for preservation of wilderness values, could not be approved at this time. A analogous situation is profiled in IBLA Docket No. 86-1626. We have included a copy for your reference.

Sincerely,



Dave Henderson  
Area Manager

Enclosure:

1. Docket No. IBLA 86-1626

cc: Michael Jackson, RDO  
D. Wayne Hedberg, UDOGM

RCox:mfr

ACTING